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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/751,996	12/29/2000	James T. Theodoras II	M-9283 US	7693

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EXAMINER

NGUYEN, TUAN M

ART UNIT

PAPER NUMBER

2828

DATE MAILED: 04/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application N .

09/751,996

Applicant(s)

THEODORAS ET AL.

Examiner

Tuan M Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 January 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.



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Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 4, 6-10, 14, 16, 18 and 20-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Lofthouse-Zeis et al.

With respect to claims 1, 9 and 14, Lofthouse-Zeis et al disclose temperature correction circuit for wavelength stabilization in thermo-electric cooler coupled to a laser diode comprising a laser diode (12) is coupled to a thermo electric cooler (13), the initial temperature of the thermo-electric cooler (13) is regulated at a predetermined set point temperature as determined by a user input (17) to produce a low power mode for maintaining the laser diode at a predetermined temperature, which is consider as a low power mode, the temperature correction loop (18), maintains the laser diode at temperature that corresponds to a predetermined wavelength of light output detected by the optical sensor (23) from the laser diode, is functioning as a standard mode, the temperature regulation circuit (16) is consider as a switching, note col. 3 line 44 to col. 6 line 37, see figs. 2-4b.

With respect to claims 4, 6-8, 10, 16, 18 and 20-22, Lofthouse-Zeis et al disclose the predetermined range of temperature is determined by a user setting a temperature measure above and below a fixed temperature that corresponds to a

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wavelength of light output from the laser diode, the laser diode has a user defined power versus performance ratio and thermo-electric cooler in a quasi standard modem the laser configured to transmit signals in the quasi standard power mode, note col. 1 line 12 to col. 6 line 37, see figs. 1-4b.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 2-3, 5, 11-13, 15, 17 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lofthouse-Zeis et al ('574) in view of Abeles et al ('237).

With respect to claims 2-3, 5, 11-13, 15, 17 and 19, Lofthouse-Zeis et al disclose all limitations as set forth in claims 1, 9 and 14. However Lofthouse-Zeis et al do not disclose TDM, DWDM mode and a SONET. Whereas Abeles et al disclose TDM, DWDM mode and a SONET, note col. 7 line 1 to col. 15 line 54, see figs 1-12. For the benefit of the operating the thermo-electric cooler in a low power mode and a standard

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mode , it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Lofthouse-Zeis et al with the TDM, DWDM mode and a SONET as taught or suggested by Abeles et al.

Response to Arguments

4. Applicant's arguments with respect to claims 1-22 have been considered but are moot in view of the new ground(s) of rejection.

Citation Of The Pertinent References

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The patent to Burbidge et al (US patent 6,101,200) discloses laser module allowing simultaneous wavelength and power control.

The patent to Muller et al (US patent 5,088,098) discloses thermo-electric cooler control circuit.

The patent to Levinson (US patent 5,019,769) discloses semiconductor laser diode controller and laser diode biasing control method.

Communication Information

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan M Nguyen whose telephone number is (703) 306-0247. The examiner can normally be reached on 8am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Ip can be reached on (703) 308-3098. The fax phone numbers for the

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organization where this application or proceeding is assigned are (703) 872-9318 for regular communications and (703) 872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-3329.

A handwritten signature in black ink, appearing to read "Paul Ip".

Paul Ip
SPE
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TMN
March 25, 2003